REMARKS

I. Introduction

Claims 8 and 11-14 are pending in the present application. In view of the following remarks, it is respectfully submitted that all pending claims are allowable, and reconsideration of these claims is respectfully requested.

II. Objection of the Drawings under 37 CFR 1.83(a)

The drawings were objected to under 37 CFR 1.83(a). In particular, the Office Action asserts that "the plug in module of claim 14 must be shown." (*Office Action*, page 2.) This objection is respectfully traversed.

While 37 C.F.R. § 1.83(a) requires the drawings to show every feature specified in the claims, "conventional features disclosed in the description and claims . . . should be" -- *but are not required to be* -- "illustrated in the drawing ... where their detailed illustration is not essential for a proper understanding of the invention."

As to the feature of a *plug in module*, a detailed illustration is not essential for a proper understanding of the claimed subject matter. That is because one skilled in the relevant art would be able to readily practice the claimed subject matter without undue experimentation. For example, the specification of the present application specifically provides that "the processor may preferably be mounted on a plug-in card, thus allowing for simple replacement during a servicing cycle." (*Specification*, page 4, lines 23 to 26). The specification further provides that "a plug-in module, ... can be installed into standardized card slots. This has the advantage that a simple update may be performed in the workshop by replacing the plug-in module by the newer version. For this purpose, 9-inch racks may be used, for example." (*Specification*, page 4, lines 23 to 26). Accordingly, the claim feature of a plug-in module is clearly and sufficiently disclosed in the specification, such that one skilled in the art would be able to readily practice the claimed subject matter without undue experimentation.

It is believed that the claim feature of a plug-in module is clearly disclosed in the specification, and it is respectfully submitted that a more detailed illustration is not essential

and is not required for a proper understanding of claim 14, especially by a person having ordinary skill in the art.

In view of the foregoing, withdrawal of the objection is respectfully requested.

III. Rejections of Claims 8 and 11-14 under 35 U.S.C § 103(a)

Claims 8 and 11-13 were rejected under 35 U.S.C § 103(a) as being obvious over U.S. Patent No. 6,095,554 ("Foo") in view of U.S. Patent No. 5,882,034 ("Davis") and further in view of U.S. Patent No. 4,842,301 ("Feldmaier"). Claim 14 was rejected under 35 U.S.C § 103(a) as being obvious over Foo in view of Feldmaier and further in view of U.S. Patent Application Publication No. 2002/0060448 A1 ("Skoffjanec"). Applicants respectfully submit that the rejections should be withdrawn for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 8 recites, in relevant part, the following:

> an **inertial sensor system situated in a first location in the vehicle**, wherein the first location is one of a **vehicle tunnel** or a **B-pillar**;
>
> a **processor for evaluating a signal of the inertial sensor system situated in a second location in the vehicle**, wherein the second location is one of a **trunk, under a vehicle seat, in a vehicle seat or a vehicle roof**;

It is respectfully submitted that the applied references do not disclose or suggest the above-identified features that a processor for evaluating a signal of the inertial sensor system is situated in a second location separate from the first location of the sensor system, and that the location is one of a trunk, under a vehicle seat, in a vehicle seat or a vehicle roof. The Examiner concedes that Foo does not disclose a processor as provided in the context of the claimed subject matter, but the Examiner contends that the secondary Davis and Feldmaier references remedy the deficiencies of the primary Foo reference. This contention is respectfully traversed for at least the following reasons.

Prior art references must be considered as a whole, including portions that teach away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983). Foo specifically provides that each processor that ***evaluates the signal of the sensor*** is located **within the same module**, and is thus not in a separate location as required by the claimed subject matter. Indeed, Figure 1 of Foo illustrates that each accelerometer (i.e., 22, 34, and 52) has a corresponding microprocessor (i.e., 32, 44, and 13 respectively), both accelerometer and corresponding microprocessor always sharing the same module. As to cited processor 13, Foo specifically discloses that it is part of a module 12 "that is located at an interior location of the vehicle between the driver's and the passenger's sides of the vehicle at a substantially central location of the vehicle." (*Foo*, column 5, lines 36 to 39. Even if one assumes for the sake of argument that Foo did mention that "accelerometers could be mounted at other locations," this would not suggest that the control module 12 itself (which includes the processor 13) can be anywhere else but between the specified driver's side and the passenger's sides of the vehicle. Accordingly, Foo teaches away from modifying its method by specifically instructing where the control module is to be located. In this regard, in order to support an obviousness conclusion, the asserted modification cannot change the principle of operation of the prior art invention being modified. *MPEP* 2143.01 VI (citing In re Ratti, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959)).

Independent of t he above, the applied references do not disclose or suggest *a **processor** for evaluating a **signal of the inertial sensor** system situated in a second location in the vehicle, wherein the second location is one of a **trunk, under a vehicle seat, in a vehicle seat or a vehicle roof.*** As to the cited column 3, line 68 of Feldmaier, merely mentioning a trunk in connection with a processor does not disclose the claimed subject matter. That is because claim 8 specifically requires the processor to evaluate a *signal of the **inertial sensor** system.* In stark contrast to the claimed subject matter, the processor of Feldmaier evaluates ***acoustic signals*** which are wholly different from inertial sensors. In this regard, Feldmaier discloses that "[s]ensors 15 and 16 are located as closely as possible to the front of the side rails, so as to receive the acoustic vibrations from frontal crash deformation as quickly as possible with minimal attenuation." (*Feldmaier*, column 3, lines 46 to 49.) Thus, the considerations underlying the location of the sensors and processor in Feldmaier are unrelated to that of inertial sensors, and one skilled in the art would not look to the Feldmaier reference to remedy the deficiencies of the Foo reference.

For the reasons discussed above, the combination of Foo, Davis, and Feldmaier does not render obvious claim 8 and its dependent claims 1-13.

With respect to the rejection of claim 14, which depends on claim 8, Applicants note that the secondary Skoffjanec reference fails to remedy the above-noted deficiencies of Foo and Feldmaier references as applied against parent claim 8. Accordingly, the combination of Foo, Feldmaier and Skoffjanec fails to render obvious dependent claim 14.

For at least the foregoing reasons, claims 8 and 11 to 14 are allowable over the applied prior art.

IV. Conclusion

For the foregoing reasons, it is respectfully submitted that all of the presently pending claims are in allowable condition. Prompt allowance of the application is requested.

Respectfully submitted,

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